

Article - Public Safety

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§13–803.

(a) (1) This subsection does not apply to a commissioned officer on duty during a war, insurrection, invasion, or public danger or on duty to aid civil authorities on account of any breach of peace, tumult, riot, resistance to power of the State, or imminent danger of any of these or any cases not otherwise covered.

(2) A commissioned officer may be tried by a court-martial for:

(i) nonattendance without excuse at any drill, parade, encampment, or other duty ordered by competent authority;

(ii) unmilitary- or unofficer-like conduct;

(iii) drunkenness on duty;

(iv) neglect of duty;

(v) disobedience of orders or an act that is contrary to this title or to the orders and regulations that govern the militia;

(vi) refusing to grant a discharge to an enlisted individual entitled to a discharge;

(vii) oppression or injury of an individual under the officer's command;

(viii) conspiracy or attempt to break, resist, or evade the laws or lawful orders given to an individual or advising an individual to conspire or attempt to break, resist, or evade a law or lawful order;

(ix) insult or disrespect to a superior officer in the line of military duty;

(x) presuming to exercise the officer's command while under arrest or suspension;

(xi) neglect or refusal as commanding officer to order out the troops under the officer's command when required by law or lawfully ordered by a superior officer;

(xii) neglect or refusal, when lawfully ordered, to make a draft or detachment;

(xiii) receiving a fee or gratuity for a certificate;

(xiv) neglect, when detailed to drill or instruct a command, to make complaint for neglect or violation of duty, as provided by law, or for any other neglect for which a commanding officer would be liable;

(xv) refusal or neglect to obey a precept or order to call out the National Guard or militia, or refusal or neglect to obey an order arising from an order to call out the National Guard or militia, or for advising an officer or enlisted individual to refuse or neglect to obey an order to call out the National Guard or militia;

(xvi) making a false certificate, account, or muster; or

(xvii) conduct unbecoming an officer or conduct prejudicial to good order and military discipline.

(b) An enlisted individual may be tried by a court-martial for:

(1) disobedience of orders;

(2) disrespect to superior;

(3) mutiny;

(4) desertion;

(5) neglect of duty;

(6) drunkenness on duty;

(7) conduct prejudicial to good order and military discipline;

(8) an act contrary to this title or to orders and regulations that govern the militia;

(9) without proper excuse, absence from or tardiness in attending a drill, parade, encampment, or other duty ordered by competent authority;

(10) neglecting to take proper care of or willfully damaging or destroying arms, uniforms, equipment, or military property; or

(11) fraudulent enlistment.

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